उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A. 716 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL NO. 716/2004

Single Bench : Hon'ble Shri Dhirendra Mishra, J

APPELLANT Ramesh Pandey, S/o Shri B.P. Pandey, aged about 35 years, R/o Sector-6 Road 53, Quarter No.5/B Thana Bhilai nagar Dist. Durg (C.G.) At present resident Ramesh Pandey S/o Shri B.P.Pandey, Road No. 3 Quarter No. (Plot No.371/5), Pragti Nagar Bhilai Nagar Dist. Durg (C.G.)

VERSUS

RESPONDENT Sarojnee D/o Shri Bhuneshwar, aged about 9 years, Minor through father Shri Bhuneshwar S/o Shri Dharamdas Satnami resident of Shivaji nagar (Behind house of Dubey) thana Chhawani (Khursipar) Tahsil & Dist. Durg (C.G.)

Present: Mr. R.S. Patel, counsel for the appellant.
Mr. R.K. Pali, counsel for the respondent.

04.05.2007

The appellant has preferred this appeal against the award dated 10th December 2003 passed by VIII Additional Motor Accident Claims Tribunal (FTC), Durg in Claim Case No. 76/2003 whereby the learned claims Tribunal has awarded a sum of Rs.22,200/- in favour of the claimant Sarojnee towards injuries

GRPRJ — FS/246— 2/2007 — 50,000.

मामला क्रमांक M.A. 316 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

sustained by her in a motor vehicle accident dated 6.12.1999 which was caused due to rash and negligent driving of the appellant/owner of the motor cycle No. M.P.24 EB 2879.

Learned counsel for the appellant submits that there was only a fracture of tibia bone caused to the respondent, no medical bills towards expenditure incurred by the respondent/claimant has been filed and even then the learned Tribunal has awarded excessive compensation to the claimant as she has also not suffered any permanent or partial disability. Claimant has admitted that she resumed her classes only after 20 days of the accident.

On the other hand, learned counsel for the respondent/claimant submits that the claimant, student of Class-II, sustained fracture of tibia bone and remained in the hospital for 15 days, plaster was opened only after six months of the accident and during this period, she was not able to attend her classes and she was made to suffer pain and inconvenience, therefore, amount of compensation assessed by the learned Tribunal is just and proper and does not call for interference.

I have heard learned counsel for the respective parties and perused the impugned award as also the documentary and oral evidence on record.

GRPRJ — FS/246— 2/2007 — 50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.716 **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

The fact that accident occurred due to rash and negligent driving of the appellant is not in dispute. Even the injury sustained by the respondent is also not in dispute. The only dispute is with respect to quantum of compensation awarded to the respondent/claimant.

The Tribunal after considering the evidence available on record has disallowed the claim of Rs. 30,000/- to Rs.35,000/- allegedly claimed by father of the respondent towards her treatment on the ground that no receipt towards expenditure has been filed. However, considering the duration of treatment and period of hospitalization, a sum of Rs.8,000/- has been awarded under this head. Another Rs.6,000/- has been awarded towards nutritious diet and a further sum of Rs.5,000/- for inconvenience caused to the claimant as she was not able to walk for a period of 6-7 months and a sum of Rs.5,000/- towards physical and mental suffering by the claimant, has been awarded. On the basis of this calculation and further deducting a sum of Rs.1, 800/- which was given by the appellant to the claimant, a total sum of Rs.22,200/- has been awarded. Looking to the nature of injuries, duration of treatment and period for which she could not walk, the amount awarded by the learned Tribunal appears to be just and proper and does not call for any interference.

In the result, the appeal being devoid of substance is hereby dismissed.

Sd/-
DHIRENDRA MISHRA
Judge